

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

SCARLETT D. DENNIS

PLAINTIFF

v.

CIVIL ACTION NO. 2:20-cv-133-TBM-MTP

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [17] entered by United States Magistrate Robert P. Myers on January 26, 2022. The Plaintiff, Scarlett D. Dennis, seeks judicial review of the final decision of the Commissioner of Social Security Administration denying her claim for disability insurance benefits. Upon finding that the Administrative Law Judge erred with respect to the Plaintiff's residual functional capacity, Judge Myers recommends that this matter be remanded for further consideration.

Neither the Commissioner of Social Security nor the Plaintiff have filed an objection to the Report and Recommendation, and the time for filing an objection has expired. "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (affirming district court's dismissal of Section 1983 claims and stating that "[w]hen a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on*


other grounds, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court's grant of summary judgment).

The Court finds that the Magistrate Judge's Report and Recommendation is neither clearly erroneous nor contrary to law. The Report and Recommendation will be adopted as the opinion of the Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [17] entered by United States Magistrate Robert P. Myers on January 26, 2022, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that this case is REMANDED for further proceedings consistent with the Report and Recommendation [17].

This, the 25th day of February, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE